DISTRICT OFFICE: CESWG FILE NUMBER: D-16941

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Aransas

Center coordinates of site (latitude/longitude):

N28° 04' 24" 97° 06' 15"

acres.

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Copano Bay Canal

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 1/31/05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marcher There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Market are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16941

Tana Caracana Caracan	Il Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Irdinary High Water Mark indicated by: I clear, natural line impressed on the bank I the presence of litter and debris I changes in the character of soil I destruction of terrestrial vegetation I shelving I other: I High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics I tidal gages other: aerial photography
	ean High Water Mark indicated by:] survey to available datum; physical markings; vegetation lines/changes in vegetation types. Vetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
TI U H	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce.
נ כ	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
M D E E D C U U U U U U N S F F II A O A S A	VIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): laps, plans, plots or plat submitted by or on behalf of the applicant. ata sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): ata sheets prepared by the Corps. This office does not concur with the delineation report, dated , prepared by (company): ata sheets prepared by the Corps. Soleological Survey Hydrologic Atlas: Soleological Survey Hydrologic Atlas: Soleological Survey 7.5 Minute Topographic maps: Rockport quad Soleological Survey 15 Minute Historic quadrangles: Soleological Survey 16 Minute Historic quadrangles: Soleological Survey 17 Minute Historic quadrangles: Soleological Survey 18 Minute Historic quadrangles: Soleological Survey 19 Minute Historic quadrangle

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 14392(05)/1930

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Aransas

Center coordinates of site (latitude/longitude):

N28° 08' 16" 96° 59' 54"

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Redfish Bay

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 1/05/05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\$ there appear to be (or) \(\square\$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Machine There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: 14392(05)/1930 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: aerial photography other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Saint Charles quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): GLO/2002 Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RCC

FILE NUMBER: I-4361

PROJECT LOCATION INFORMATION:

State:

Tχ

County: Nueces

Center coordinates of site (latitude/longitude):

27-23-10/97-23-19

Approximate size of area (parcel) reviewed, including uplands: 0.6 acres.

Name of nearest waterway: Corpus Christi Bay Name of watershed: Corpus Christi Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 3 February 2005

Date(s): 18 August 2001

Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the limits to be the limits and the limits are the limits and the limits are the limi United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: I-4361

	Cordinary High Water Mark indicated by:
55.00 60.00	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
	 Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created
٠	by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): Isoalted by roads and highway; previoulsy determined isolated in 1998 uunder NWP26.
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Corpus Christi, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Hotological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Histor

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-15863

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Brazoria

Center coordinates of site (latitude/longitude):

29° 00' 02"N, 95° 13' 48"W

Approximate size of area (parcel) reviewed, including uplands: Unknown acres.

Name of nearest waterway: Adjacent Wetlands

Name of watershed: **Drum Bay**

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 27 January 2005 Date(s): 5 May 2004

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Mathematical There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: Unknown.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination. The wetlands are adjacent because they are contiguous with Drum Bay, a navigable water of the United States subject to the ebb and flow of the daily tide. Although these adjacent wetlands are contiguous with Drum Bay, they are not subject to the ebb and flow of the daily tide.

FILE NUMBER: D-15863

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
ere sa Audi	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
5 ° 5 80, 81	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA)	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Christmas Point, TX U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: Brazoria County National wetlands inventory maps: Christmas Point, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel 48039C0675 I May 4, 1992 100-year Floodplain Elevation is: 14 (NGVD) Aerial Photographs (Name & Date): Christmas Point, TX - 1995 and 2002 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 10 May 2004 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23669

PROJECT LOCATION I	INFORMATION:
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State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

UTM 15 317683E 3238730N (NAD27) USGS Virginia Point Quad

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Crash Boat Basin Name of watershed:

Crash Boat Basin

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 2 Feb 05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located on Crash Boat Basin.

FILE NUMBER: 23669

Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) linary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Plans
an High Water Mark indicated by: survey to available datum;
tland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). dquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). Corps has made a case-specific determination that the following waters present on the site are not Waters of the ted States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
EWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Is, plans, plots or plat submitted by or on behalf of the applicant. Is sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Is sheets prepared by the Corps. Is navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Geological Survey 7.5 Minute Historic quadrangles: Geological Survey 15 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Survey: In all that apply): In the delineation service of the applicant. In the delineation is (NGVD) In the delineation is (NGVD) In the delineation wetland maps: In the delineation wetland the applicant. In the delineation report, dated the applicant.

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23670

PR	O	IEC	TI.	OCA	TION	INFORM	MATION:

State:

Texas

County:

Jackson

Center coordinates of site (latitude/longitude):

UTM 14 755066E 3176905N (NAD27) Olivia quadrangle

acres.

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Carancahua Bay Name of watershed: Caracahua Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 2 Feb 05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located on Carancahua Bay.

FILE NUMBER: 23670

La a	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Plans
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Acological Survey 15 Minute Historic quadrangles: U.S. Acological Survey 15 Minute Historic quadrangles: U.S. Deological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrang

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N	ICT OFFICE: CESWG IUMBER: I-4502 ICT LOCATION INFORMATION:
Sta	ate: Texas unty: Orange
Ce Ap Na	nter coordinates of site (latitude/longitude): 30° 04' 02"N, 93° 45' 26"W proximate size of area (parcel) reviewed, including uplands: 3429 linear ft. me of nearest waterway: Adams Bayou Lateral #1 me of watershed: Neches River
	DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s) Date: 1/31/05 Date(s):
Jur	risdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
28	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:2.38-ac
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: ac
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.
T	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Impacted area is a tributary to Adams Bayou and the Neches River a navigable waters of the United States.

FILE NUMBER: I-4502

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
50	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch with no direct connection to a water of the United States.
2	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): See Report Other photographs (Date): See report Advanced Identification Wetland maps: Site visit/determination conducted on: See report Applicable/supporting case law: Other information (please specify): ATF application and mitigation plan

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: I-4503 PROJECT LOCATION INFORMATION:
State: Texas County: Orange
Center coordinates of site (latitude/longitude): 30° 04' 03"N, 93° 45' 27"W Approximate size of area (parcel) reviewed, including uplands: 3000 linear ft. Name of nearest waterway: Adams Bayou Name of watershed: Neches River
JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 1/28/05 Site visit(s) Date(s):
Jurisdictional Determination (JD):
Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:2.4-ac
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:ac
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS OF JURISDICTIONAL DETERMINATION:
A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
 Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹.
(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands
Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Impacted area is a tributary to Adams Bayou and the Neches River navigable waters of the United States.

		2		
FILE NUMBE	CR: 1-4503			
	xtent of Jurisdiction: (Reference hary High Water Mark indicated clear, natural line impressed on the presence of litter and debris changes in the character of soil destruction of terrestrial vegetatishelving other:	by: he bank	High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foresho □ physical markings/characteristics □ tidal gages □ other:	re)
	High Water Mark indicated by: arvey to available datum; phy	vsical markings; vegeta	etation lines/changes in vegetation types.	
Wetla	and boundaries, as shown on the	attached wetland delineat	ation map and/or in a delineation report prep	ared by:
The r Unab Head The C Unite	ed States: Waste treatment systems, included Artificially irrigated areas, whe Artificial lakes and ponds creater retain water and which are used rice growing. Artificial reflecting or swimmed by excavating and/or diking downwater-filled depressions create the purpose of obtaining fill, subtraction and the resulting by 328.3(a). Isolated, intrastate wetland with Prior converted cropland, as designed.	ters in 33 CFR part 328(a) sediction on the basis of 33 etermination that the followarding treatment ponds or lich would revert to upland the development of the exclusively for such pure land to retain water for each in dry land incidental the tand, or gravel unless and to ody of water meets the determined by the Natural In ditches excavated on dry land incidence of the except	discounting to 33 CFR part 328.3 (a)(3). It is a second to the site are not Warr lagoons, pursuant to 33 CFR part 328.3 and if the irrigation ceased. It is discounting the discounting dry land to collect and urposes as stock watering, irrigation, settling ornamental bodies of water created or primarily aesthetic reasons. It is to construction activity and pits excavated in the discounting that is a second to the until the construction or excavation operation of waters of the United States found.	t basins, or n dry land for on is d at 33 CFR
Maps Data Data	EWED FOR JURSIDICTIONA s, plans, plots or plat submitted by sheets prepared/submitted by or this office concurs with the delin this office does not concur with the sheets prepared by the Corps. s' navigable waters' studies:	y or on behalf of the appli on behalf of the applicant. eation report, dated	licant. nt.	

U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Orange County National wetlands inventory maps: See File State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): See File 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): See File Other photographs (Date): See File Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): ATF application and mitigation plan

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

FILE NU PROJEC State Cou Cen App Nam	nty: Orange ter coordinates of si roximate size of are	ite (latitude/longitude): ea (parcel) reviewed, includin way: Adams Bayou		39"N, 93° 44' 12"W 102 linear ft.	
	ICTIONAL DETE apleted: Desktop Site visit	determination	Date: Date(s):	1/28/05	
Juri	sdictional Determ	ination (JD):			
	Preliminary JD - B United States" and (Reference 33 CFF	/or "navigable waters of the I	n, 🗍 <i>there ap</i> United States'	opear to be (or) there appear on the project site. A prelimina	to be no "waters of the ary JD is not appealable
3. 3. 2.	Approved JD – Art Check all that appl	n approved JD is an appealabl ly:	e action (Refe	erence 33 CFR part 331).	
	There are "nav the reviewed area.	igable waters of the United S Approximate size of jurisdic	tates" (as defi tional area: _	ined by 33 CFR part 329 and asso _0.77-ac	ociated guidance) within
	There are "wat reviewed area. Ap	ers of the United States" (as proximate size of jurisdiction	defined by 33 nal area:	CFR part 328 and associated guac	uidance) within the
	There are "isol	lated, non-navigable, intra-sta Decision supported by SWA Jurisdiction.	ate waters or ANCC/Migrat	wetlands" within the reviewed ar ory Bird Rule Information Sheet	rea. t for Determination of No
A.	Waters defined up The presence of wa	NAL DETERMINATION: nder 33 CFR part 329 as "n aters that are subject to the eb susceptible for use to transpo	b and flow of	the tide and/or are presently use	ed, or have been used in
B	(1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands destruction of which is the control of the control of the control of the presence of the presence of interstate of the presence of the p	n commerce, including all wa f interstate waters including i f other waters such as intrasta s, sloughs, prairie potholes, w ch could affect interstate com- or could be used by interstate ch fish or shellfish are or could e or could be used for industri- of waters otherwise defined a f a tributary to a water identif f territorial seas.	used, or were ters which an interstate wetl ate lakes, river et meadows, merce includi or foreign tra d be taken and al purposes by as waters of the fied in (1) – (4)	used in the past, or may be susce subject to the ebb and flow of t ands ¹ . rs, streams (including intermitter playa lakes, or natural ponds, the ing any such waters (check all the velers for recreational or other pd sold in interstate or foreign con y industries in interstate commerne US.	the tide. Int streams), mudflats, e use, degradation or lat apply): burposes. mmerce. rce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Impacted area is a tributary to Adams Bayou and the Neches River navigable waters of the United States.

FILE N	UMBER: I-4504
La	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I changes in the character of soil I destruction of terrestrial vegetation I shelving Ordinary High Water Mark indicated by: I High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
1.	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CF 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch with no direct connection to a water of the United States. Other (explain):
DATA	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 9.5 Minute 4.5 Minute 4

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: I-4505 PROJECT LOCATION INFORMATION:
State: Texas County: Orange
Center coordinates of site (latitude/longitude): 30° 05′ 46″N, 93° 45′ 12″W Approximate size of area (parcel) reviewed, including uplands: _500 linear ft. Name of nearest waterway: Adams Bayou Name of watershed: Neches River
JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 1/28/05 Site visit(s) Date(s):
Jurisdictional Determination (JD):
Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:0.56-ac
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:ac
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
 Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.
 (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Impacted area is a tributary to Adams Bayou and the Neches River navigable waters of the United States.

FILE NUMBER: I-4505 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch with no direct connection to a water of the United States. Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated _____, prepared by (company):
☐ This office does not concur with the delineation report, dated _____, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Orange County National wetlands inventory maps: See File State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): See File 100-year Floodplain Elevation is: (NGVD)

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

Aerial Photographs (Name & Date): See File

Other information (please specify): ATF application and mitigation plan

Other photographs (Date): See File Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: I-4506 PROJECT LOCATION INFORMATION:
State: Texas
County: Orange Center coordinates of site (latitude/longitude): 30° 06' 10"N, 93° 45' 51"W Approximate size of area (parcel) reviewed, including uplands: _1750 linear ft. Name of nearest waterway: Adams Bayou Name of watershed: Neches River
JURISDICTIONAL DETERMINATION
Completed: Desktop determination Site visit(s) Date: 1/28/05 Date(s):
Jurisdictional Determination (JD):
Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:2.4-ac
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS OF JURISDICTIONAL DETERMINATION:
A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
 B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹.
 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.
(6) The presence of territorial seas. (7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Impacted area is a tributary to Adams Bayou and the Neches River navigable waters of the United States.

		. 2	
FILE NUMBE	ER: I-4506		
	extent of Jurisdiction: (Reference: 33 Cl nary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	a i	ligh Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	n High Water Mark indicated by: urvey to available datum;	arkings; 🔲 vegetat	ion lines/changes in vegetation types.
Wetla	and boundaries, as shown on the attached	d wetland delineation	n map and/or in a delineation report prepared by:
The r Unab Head The C Unite	waste treatment systems, including tre Artificially irrigated areas, which wou Artificial lakes and ponds created by e retain water and which are used exclusrice growing. Artificial reflecting or swimming pool by excavating and/or diking dry land to Water-filled depressions created in dry the purpose of obtaining fill, sand, or a abandoned and the resulting body of w 328.3(a). Isolated, intrastate wetland with no net Prior converted cropland, as determine Non-tidal drainage or irrigation ditches irect connection to a water of the United States.	3 CFR part 328(a)(on the basis of 33 (ation that the follow eatment ponds or la ld revert to upland excavating and/or di sively for such purp to retain water for p y land incidental to gravel unless and un vater meets the defin exus to interstate cor ed by the Natural R s excavated on dry States.	CFR part 328.3(a)(3). ring waters present on the site are not Waters of the goons, pursuant to 33 CFR part 328.3. if the irrigation ceased. iking dry land to collect and oses as stock watering, irrigation, settling basins, or amental bodies of water created rimarily aesthetic reasons. construction activity and pits excavated in dry land for ntil the construction or excavation operation is nition of waters of the United States found at 33 CFR mmerce. esources Conservation Service. Explain rationale: land. Explain rationale: Upland drainage ditch with
Maps Data 1 1 Data Corps U.S. U.S. U.S.	EWED FOR JURSIDICTIONAL DET'S, plans, plots or plat submitted by or on behalf his office concurs with the delineation reflicts office does not concur with the delinesheets prepared by the Corps. s' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topograph Geological Survey 7.5 Minute Historic que Geological Survey 15 Minute Historic que Geological Survey 15 Minute Historic que Minute Historic que 15 Minute Hist	pehalf of the applicant. If of the applican	ant.

USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): See File 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): See File Other photographs (Date): See File Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): ATF application and mitigation plan

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE NU	T LOCATION INFORMATION: Texas	
Cente Appro Name	r coordinates of site (latitude/longitude): 30° 06' 27"N, 93° 46' 04"W oximate size of area (parcel) reviewed, including uplands: _970 linear ft. of nearest waterway: Adams Bayou of watershed: Neches River	
	CTIONAL DETERMINATION Deted: Desktop determination Site visit(s) Date: 1/28/05 Date(s):	
Juriso	dictional Determination (JD):	
Ţ	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "wa Jnited States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not Reference 33 CFR part 331).	ters of the appealable
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidante reviewed area. Approximate size of jurisdictional area:ac	ınce) within
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) with eviewed area. Approximate size of jurisdictional area:1.32-ac	in the
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determing Jurisdiction.	nation of No
A. V	*JURISDICTIONAL DETERMINATION: Vaters defined under 33 CFR part 329 as "navigable waters of the United States": the presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have be the past, or may be susceptible for use to transport interstate or foreign commerce.	en used in
ir (3) (3) (3)	Vaters defined under 33 CFR part 328.3(a) as "waters of the United States": 1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use iterstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. 2) The presence of interstate waters including interstate wetlands. 3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), in andflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degrada estruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.	nudflats,
	 (iii) which are or could be used for industrial purposes by industries in interstate commerce. Impoundments of waters otherwise defined as waters of the US. The presence of a tributary to a water identified in (1) – (4) above. The presence of territorial seas. The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other waters. 	er wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Impacted area is a tributary to Adams Bayou and the Neches River navigable waters of the United States.

2 FILE NUMBER: I-4507 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch with no direct connection to a water of the United States. Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated ___ _, prepared by (company): This office does not concur with the delineation report, dated _____, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Orange County

Corps' navigable waters' studies:
U.S. Geological Survey Hydrologic Atlas:
U.S. Geological Survey 7.5 Minute Topographic maps:
U.S. Geological Survey 7.5 Minute Historic quadrangles:
U.S. Geological Survey 15 Minute Historic quadrangles:
U.S. Geological Survey 15 Minute Historic quadrangles:
USDA Natural Resources Conservation Service Soil Survey: Orange County National wetlands inventory maps: See File
State/Local wetland inventory maps:
FEMA/FIRM maps (Map Name & Date): See File
100-year Floodplain Elevation is: (NGVD)
Aerial Photographs (Name & Date): See File
Other photographs (Date): See File
Advanced Identification Wetland maps:
Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify): ATF application and mitigation plan

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRIC			CESWG D-16622					
			FORMATIO	N:				
State Cou	e:	Texas Harris						
App Nam	roximate ne of near	size of are est waterw	te (latitude/long a (parcel) revie ay: Harris Cou eens Bayou	wed, includir	ng uplands: _	18-acres	5° 22' 49"W	
JURISD	ICTION	AL DETE	RMINATION					
			determination		Date: Date(s):	2-03-05		
Juri	sdictiona	l Determi	nation (JD):					
	United S	tates" and	ased on availab or "navigable v part 331).	le informatio vaters of the	n,	opear to be (" on the proj	(or) there appear to be no "waters of the ect site. A preliminary JD is not appealable	ie ole
		d JD – An l that apply	approved JD is	an appealabl	le action (Ref	erence 33 C	FR part 331).	
	There	<i>are</i> "navi wed area.	gable waters of Approximate s	the United Size of jurisdic	tates" (as def ctional area:	ined by 33 C	CFR part 329 and associated guidance) wit	hin
	There reviewed	are "wate area. App	ers of the United proximate size	d States" (as of jurisdiction	defined by 33 al area:	CFR part 3	28 and associated guidance) within the	
	🔀 There	are "isolo	nted, non-navig Decision suppo Jurisdiction.	able, intra-storted by SWA	ate waters or ANCC/Migra	wetlands" w ory Bird Ru	rithin the reviewed area. le Information Sheet for Determination of	î No
BASIS O	F JURIS	DICTION	AL DETERM	INATION:				
A	Waters of The prese	lefined un	der 33 CFR pa	art 329 as "n ject to the eb	b and flow of	the tide and	Vor are presently used, or have been used i	in
	 The p interstate The p 	resence of or foreign resence of	commerce, incinterstate water	are currently luding all wars including i	used, or were ters which ar nterstate wetl	used in the subject to tands ¹ .	past, or may be susceptible to use in the ebb and flow of the tide.	
:	sandflats, destruction (i) we (ii) fi	wetlands, on of which hich are or rom which	sloughs, prairi n could affect in could be used fish or shellfis	e potholes, waterstate com- by interstate hare or could	et meadows, j merce includi or foreign tra d be taken and	olaya lakes, ng any such velers for re I sold in inte	including intermittent streams), mudflats, or natural ponds, the use, degradation or waters (check all that apply): creational or other purposes. restate or foreign commerce.	
	(iii) (4) Impou (5) The p	which are and ments of the contract of the con	or could be use of waters otherwantion a territorial seas	d for industria	al purposes by as waters of the	v industries i ie US.	in interstate commerce.	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER:

D-16622

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation destruction of terrestrial vegetation other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
DATA R	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch with no direct connection to a water of the United States. Other (explain): EVEVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. This office does not concur with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared
	Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and vetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands eparated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16500

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Montgomery

Center coordinates of site (latitude/longitude):

30.4020°N, 95.5555°W

Approximate size of area (parcel) reviewed, including uplands: 5 acres.

Name of nearest waterway: Unnamed Tributary of Lake Conroe/West Fork San Jacinto River

Name of watershed: San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 7 January 2005

Date(s): 10 January 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are contigous with unnamed tributary of West Fork San Jacinto River/Lake Conroe which flow into the San Jacinto River, a navigable water of the United States.

FILE NUMBER: D-16500

Attent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Inary High Water Mark indicated by: I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
High Water Mark indicated by: urvey to available datum; physical markings; vegetation lines/changes in vegetation types.
and boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). quarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). Corps has made a case-specific determination that the following waters present on the site are not Waters of the 3 States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
WED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): plans, plots or plat submitted by or on behalf of the applicant. sheets prepared/submitted by or on behalf of the applicant. his office concurs with the delineation report, dated prepared by (company): his office does not concur with the delineation report, dated prepared by (company): sheets prepared by the Corps. navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: 1997 Shepard Hill Geological Survey 15 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Survey: 1972 Montgomery County and wetlands inventory maps: Local wetland inventory maps: Loc

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-33-003

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

29-46-39N/95-23-03W

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Whiteoak Bayou Name of watershed: Whiteoak Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 2/3/05 Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, ___ there appear to be (or) ___ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Ordinary High Water Mark indicated by:

FILE NUMBER: SWG-05-33-003 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: oil or scum line along shore objects

	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in vegetation types.
2	Wetland boundaries, as shown on the attached wetland de	lineation map and/or in a delineation report prepared by:
Bas	United States: Waste treatment systems, including treatment pone Artificially irrigated areas, which would revert to a Artificial lakes and ponds created by excavating ar retain water and which are used exclusively for suc rice growing. Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a). Isolated, intrastate wetland with no nexus to interst	of 33 CFR part 328.3(a)(3). It following waters present on the site are not Waters of the site of lagoons, pursuant to 33 CFR part 328.3. It pland if the irrigation ceased. It pland if the irrigation ceased. It pland to collect and chipurposes as stock watering, irrigation, settling basins, or neall ornamental bodies of water created for for primarily aesthetic reasons. Intal to construction activity and pits excavated in dry land for and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR
	Non-tidal drainage or irrigation ditches excavated of Other (explain):	on dry land. Explain rationale:
DATAR	Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the apple This office concurs with the delineation report, dated This office does not concur with the delineation report Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Surve National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:	applicant. icant. , prepared by (company): , dated , prepared by (company):
ä	Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-15718(01)

PR	O.IEC'	T LO	CAT	NOL	INFO	RMA	TION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

Lat: 29.48.19 Long: 95.03.31

Approximate size of area (parcel) reviewed, including uplands: 0.014 acres.

Name of nearest waterway: San Jacinto River Name of watershed: Lower San Jacinto

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 31 January 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the preserved to the control of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D15718(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 16761(05)/163

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State:

Louisiana

County:

Cameron Parish

Center coordinates of site (latitude/longitude):

29-37-42N/93-46-30W

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Gulf of Mexico Name of watershed: Gulf of Mexico

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 2/3/05 Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\precedef{D} \) there appear to be (or) \(\precedef{D} \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project site is located in open waters of GOM.

2 FILE NUMBER: 16761(05)/163 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Other photographs (Date):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-14-002

FILE N	UMBER: SWG-05-14-002			
Sta Cor Cer App Nar	CT LOCATION INFORMATION: te: Texas unty: Chambers nter coordinates of site (latitude/longitude): 29° 38' 11"N, 94° 32' 27"W (NAD27) proximate size of area (parcel) reviewed, including uplands:			
	DICTIONAL DETERMINATION mpleted: Desktop determination			
Jur	isdictional Determination (JD):			
ß,	Preliminary JD - Based on available information, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).			
50	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:			
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) the reviewed area. Approximate size of jurisdictional area:				
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:			
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determin Jurisdiction.				
<u>A.</u>	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.			
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project appears to be located in wetlands adjacent to Oyster Bayou. The applicant has not supplied a delineation of the affected wetlands, but states there are wetlands present. There is also a portion of the project over a navigable portion of East Bay Bayou. The plans are incomplete and there may be work or fill within this area.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 3:	28 and 329)	SWG-05-14-002	
X		High Tide Line in	dicated by:	
	clear, natural line impressed on the bank	oil or scum l	ine along shore objects	
	the presence of litter and debris	fine shell or	debris deposits (foreshore)	
	changes in the character of soil	physical mar	kings/characteristics	
	destruction of terrestrial vegetation	☐ tidal gages		
	☐ shelving ☐ other: Applicant supplied information	other: Applic	ant supplied information	
	other: Applicant supplied information			
	Mean High Water Mark indicated by:			
	survey to available datum; physical markings;	vegetation lines/changes	in vegetation types.	
Ž.	Wetland boundaries, as shown on the attached wetland of No wetland delineation was submitted with the pre-constant.	lelineation map and/or in a struction notification.	delineation report prepared by:	
Ва	sis For Not Asserting Jurisdiction:			
	The reviewed area consists entirely of uplands.			
****	Unable to confirm the presence of waters in 33 CFR part	328(a)(1, 2, or 4-7).		
Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).				
	The Corps has made a case-specific determination that the United States:	ne following waters presen	t on the site are not Waters of the	
	Waste treatment systems, including treatment por	nds or lagoons, pursuant to	33 CFR part 328 3	
	Artificially irrigated areas, which would revert to	upland if the irrigation ce	ased.	
	Artificial lakes and ponds created by excavating	and/or diking dry land to c	ollect and	
	retain water and which are used exclusively for s	uch purposes as stock wate	ring, irrigation, settling basins, or	
	rice growing.			
	Artificial reflecting or swimming pools or other s by excavating and/or diking dry land to retain wa	mall ornamental bodies of	water created	
	Water-filled depressions created in dry land incid	er for primarily aestnetic	reasons.	
	the purpose of obtaining fill, sand, or gravel unless	ental to construction activi	ity and pits excavated in dry land for	
-	abandoned and the resulting body of water meets	the definition of waters of	the United States found at 33 CFR	
	328.3(a).			
	Isolated, intrastate wetland with no nexus to inter	state commerce.		
	Prior converted cropland, as determined by the N	atural Resources Conserva	tion Service. Explain rationale:	
	Non-tidal drainage or irrigation ditches excavated Other (explain):	on ary land. Explain ratio	onale:	
	Cates (explain).			
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINAT	ION (mark all that apply	y):	
	Maps, plans, plots or plat submitted by or on behalf of the	applicant.		
	Data sheets prepared/submitted by or on behalf of the app			
	This office concurs with the delineation report, dated			
	This office does not concur with the delineation report	rt, dated, prepa	red by (company):	
	Data sheets prepared by the Corps.			
e de la companya de l	Corps' navigable waters' studies:			
3%	U.S. Geological Survey Hydrologic Atlas:			
	U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles:			
	U.S. Geological Survey 15 Minute Historic quadrangles:			
F	USDA Natural Resources Conservation Service Soil Surv	OV.		
	National wetlands inventory maps:	cy.		
	State/Local wetland inventory maps:			
	FEMA/FIRM maps (Map Name & Date):			
	100-year Floodplain Elevation is: (NGVD)		•	
24100	Aerial Photographs (Name & Date):			
ome:	Other photographs (Date):			
	Advanced Identification Wetland maps:			
in a si	Site visit/determination conducted on:			
*****	Applicable/supporting case law:			
2.2	Other information (please specify):			

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 21755(05)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston Center coordinates of site (latitude/longitude):

UTM (NAD 27) Z15, 349709E, 3263230N

Approximate size of area (parcel) reviewed, including uplands: 10.10 acres.

Name of nearest waterway: Gulf of Mexico

Name of watershed:

12040202, East Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the or the content of the co United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 21755 (05)

T -	Annal E	Sentant of Touris History (D. C	•••	TILE NUMBER: 07					
La	C-di	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and							
E		nary High Water Mark indicated by:	Hig	gh Tide Line indicated by:					
		clear, natural line impressed on the bank	닏	oil or scum line along shore objects					
		the presence of litter and debris	님	fine shell or debris deposits (foreshore)					
		changes in the character of soil	닏	physical markings/characteristics					
		destruction of terrestrial vegetation	닏	tidal gages					
		shelving	Ш	other:					
	ш	other:							
	Maar	Wish Water Mode in dicated hou							
		High Water Mark indicated by:		11. / 1					
		urvey to available datum; 🔲 physical markings; 🔲 veget	ation	n lines/changes in vegetation types.					
	Wetl	and boundaries, as shown on the attached wetland delinea	ion n	man and/or in a delineation report prepared by:					
-		and somewhole one will all all all all all all all all all	1011 11	map and of in a defineation report prepared by.					
Ba	sis For	Not Asserting Jurisdiction:							
S	The r	eviewed area consists entirely of uplands.							
	Unab	le to confirm the presence of waters in 33 CFR part 328(a	(1, 2	2, or 4-7).					
E	Head	quarters declined to approve jurisdiction on the basis of 33	CFR	R part 328.3(a)(3).					
	The C	Corps has made a case-specific determination that the following	wing	g waters present on the site are not Waters of the					
	Unite	ed States:		6 wasse because of me of the me wasses of me					
		Waste treatment systems, including treatment ponds or	lagoo	ons, pursuant to 33 CFR part 328.3.					
		Artificially irrigated areas, which would revert to uplane	d if th	he irrigation ceased.					
		Artificial lakes and ponds created by excavating and/or	dikin	ng dry land to collect and					
		retain water and which are used exclusively for such pu	rpose	es as stock watering, irrigation, settling basins, or					
		rice growing.	•	owning owning or					
		artificial reflecting or swimming pools or other small ornamental bodies of water created							
		by excavating and/or diking dry land to retain water for primarily aesthetic reasons.							
		Water-filled depressions created in dry land incidental to	o con	nstruction activity and pits excavated in dry land for					
		the purpose of obtaining fill, sand, or gravel unless and	until t	the construction or excavation operation is					
		abandoned and the resulting body of water meets the de	finitio	on of waters of the United States found at 33 CFR					
		328.3(a).							
		Isolated, intrastate wetland with no nexus to interstate commerce.							
		Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:							
				-					
	Ц	Non-tidal drainage or irrigation ditches excavated on dr	/ land	d. Explain rationale:					
		Other (explain):							
DATAE	FVIE	WED FOR HIDSIDICTIONAL DETERMINATION		to all all and a second of					
DAIAI	Mane	WED FOR JURSIDICTIONAL DETERMINATION (mark	k all that apply):					
(A) (A) (A)	Doto o	plans, plots or plat submitted by or on behalf of the applie	cant.						
		sheets prepared/submitted by or on behalf of the applicant.		11 /					
	$H^{\frac{11}{11}}$	his office concurs with the delineation report, dated	, prep	pared by (company):					
521	Doto o	his office does not concur with the delineation report, date	đ	, prepared by (company):					
22		heets prepared by the Corps. ' navigable waters' studies:							
0.00 mg 0.00 mg 0.00 mg		Geological Survey Hydrologic Atlas:							
and the second		Geological Survey Aydrologic Adas: Geological Survey 7.5 Minute Topographic maps: Caplen (· . 1	1					
12.33 (1800)	118 6	Geological Survey 7.5 Minute Topographic maps: Capten Geological Survey 7.5 Minute Historic quadrangles:	Zuad						
50.3 (0.3		Geological Survey 1.5 Minute Historic quadrangles:							
A		A Natural Resources Conservation Service Soil Survey:							
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Nation	nal wetlands inventory maps:							
		Local wetland inventory maps:							
		√FIRM maps (Map Name & Date):							
	100-1/2	ear Floodplain Elevation is: (NGVD)							
		Photographs (Name & Date):							
		photographs (Name & Date): photographs (Date): as supplied by applicant							
e was		ced Identification Wetland maps:							
4.00		sit/determination conducted on:							
NE 4 - A		cable/supporting case law:							
Cate Trans		information (please specify):							
	Juici	miormanon (picase specity).							

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-04-14-042

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Fort Bend Center coordinates of site (latitude/longitude):

UTM (NAD 27) Z 15, 237183E, 3272349N

Approximate size of area (parcel) reviewed, including uplands: 0.07 acres.

Name of nearest waterway: Middle Bayou

Name of watershed:

12070104, Lower Brazos

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 31 Jan 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, _ there appear to be (or) _ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG 04.14.042

	inary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: as reported by applicant High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
s	n High Water Mark indicated by: urvey to available datum; physical markings; vegetation lines/changes in vegetation types.
Wet	land boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The tunal Head	r Not Asserting Jurisdiction: reviewed area consists entirely of uplands. ole to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Iduarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). Corps has made a case-specific determination that the following waters present on the site are not Waters of the ed States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
Maps Data Data Corps U.S. 6 U.	EWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): s, plans, plots or plat submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 22 June 2004, prepared by (company): Berg Oliver Assoc This office does not concur with the delineation report, dated 2 June 2004, prepared by (company): sheets prepared by the Corps. This office does not concur with the delineation report, dated prepared by (company): sheets prepared by the Corps. This office does not concur with the delineation report, dated prepared by (company): sheets prepared by the Corps. This office does not concur with the delineation report, dated prepared by (company): sheets prepared by (company): sheet

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: CESWG FILE NUMBER: D-16848

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Calhoun

Center coordinates of site (latitude/longitude):

UTM 14, 742810E, 3154970N & others

Approximate size of area (parcel) reviewed, including uplands: 85 acres. Name of nearest waterway: Powderhorn Lake, Keller Bay, Lavaca Bay

Name of watershed: Lavaca Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 4 Jan 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 55 ac.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Lavaca Bay, Keller Bay, and Powderhorn Lake are navigable waters subject to the ebb and flow of the tide

	al Extent of Jurisdiction: (Reference: 33 CFR parts ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	ean High Water Mark indicated by: survey to available datum; physical markings; vetland boundaries, as shown on the attached wetland	vegetation lines/changes in vegetation types. delineation map and/or in a delineation report prepared by:
The Unit He	 Waste treatment systems, including treatment poly Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain w Water-filled depressions created in dry land incit the purpose of obtaining fill, sand, or gravel unlabandoned and the resulting body of water meet 328.3(a). Isolated, intrastate wetland with no nexus to interest the same properties. 	asis of 33 CFR part 328.3(a)(3). the following waters present on the site are not Waters of the onds or lagoons, pursuant to 33 CFR part 328.3. to upland if the irrigation ceased. g and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created vater for primarily aesthetic reasons. idental to construction activity and pits excavated in dry land for ess and until the construction or excavation operation is ts the definition of waters of the United States found at 33 CFR
	Non-tidal drainage or irrigation ditches excavate Other (explain):	ed on dry land. Explain rationale:
Ma Dat Dat Cor U.S U.S U.S USI Nat Stat FEM Adv Adv Site App	TEWED FOR JURSIDICTIONAL DETERMINA ups, plans, plots or plat submitted by or on behalf of the ta sheets prepared/submitted by or on behalf of the ap This office concurs with the delineation report, date This office does not concur with the delineation rep ta sheets prepared by the Corps. ups' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Geological Survey 7.5 Minute Historic quadrangles: Geological Survey 15 Minute Historic quadrangles: ANATURAL Resources Conservation Service Soil Surtional wetlands inventory maps: te/Local wetland inventory maps: MA/FIRM maps (Map Name & Date): Depar Floodplain Elevation is: Upycar Floodplain Elevation is: Upycar Floodplain Clate): Upycar Floodplain Clate Upycar	the applicant. applicant. and July 1999, prepared by (company): Shiner Moseley bort, dated , prepared by (company): s: :

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-05-13-002

PR	O	JF.	CT	ľ	n.	C	Δ	7	T	n	N	H	V	F	7	RI	v	Δ	TI	ON	•

State: Texas County: Harris

Center coordinates of site (latitude/longitude): 29-49-44N/95-04-39W Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: San Jacinto River

Name of watershed: San Jacinto

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 7 February 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the or the content of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.5 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-05-13-002 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Other photographs (Date):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23656

PROJECT LOCATION INFORMATION:

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

Lat: 29.44.50 Long: 95.10.15

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Houston Ship Channel

Name of watershed:

Buffalo Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 26 January 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23656

eral Extent of Jurisdiction: (Reference: 33 CFR parts 32 Ordinary High Water Mark indicated by:	88 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
 Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ Wetland boundaries, as shown on the attached wetland de	
United States: Waste treatment systems, including treatment pon Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating a retain water and which are used exclusively for su rice growing. Artificial reflecting or swimming pools or other sr by excavating and/or diking dry land to retain wate Water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets t 328.3(a). Isolated, intrastate wetland with no nexus to inters	s of 33 CFR part 328.3(a)(3). e following waters present on the site are not Waters of the ds or lagoons, pursuant to 33 CFR part 328.3. upland if the irrigation ceased. nd/or diking dry land to collect and ch purposes as stock watering, irrigation, settling basins, or nall ornamental bodies of water created er for primarily aesthetic reasons. ental to construction activity and pits excavated in dry land for and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR
Non-tidal drainage or irrigation ditches excavated Other (explain):	on dry land. Explain rationale:
EVIEWED FOR JURSIDICTIONAL DETERMINATIONAL plans, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the appl This office concurs with the delineation report, dated This office does not concur with the delineation report Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Hist	applicant. licant. , prepared by (company): t, dated , prepared by (company):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-15460

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

29 26' 21" N, 94 41' 35"W (NAD 27)

Approximate size of area (parcel) reviewed, including uplands: 70 acres. Name of nearest waterway: Gulf Intracoastal Waterway (GIWW)

Name of watershed: East Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 02 February 2005

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Machine There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 11 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 40 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Open waters contiguous with the Gulf Intracoastal Waterway (GIWW), which is a navigable water of the United States, are located on the property. Wetlands contiguous with the GIWW are located on the property.

FILE NUMBER: D-15460 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☒ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Flake U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Galveston County National wetlands inventory maps: Flake (based on 1993 photos) State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Galveston Co Panel 120, 18 Aug 1992; Galveston Co Panel 180, 5 July 1993 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): GLO March 2003; GLO Flake, Sep-Nov 2004. Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-16655

FILE I	NUMBER: D-16655							
St Co Co A _l Na	ECT LOCATION INFORMATION: ate: Texas cunty: Galveston cuter coordinates of site (latitude/longitude): 29 17' 02" N, 94 51' 35" W (NAD27) coproximate size of area (parcel) reviewed, including uplands: 0.6 acres. ame of nearest waterway: Offatts Bayou ame of watershed: West Galveston Bay							
	DICTIONAL DETERMINATION ompleted: Desktop determination							
Ju	risdictional Determination (JD):							
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).							
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:							
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.02 acre.							
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.02 acre.							
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.							
BASIS	OF JURISDICTIONAL DETERMINATION:							
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.							
B. ⊠	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.							
	 (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or 							

(5) The presence of a tributary to a water identified in (1) – (4) above.
(6) The presence of territorial seas.
(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Offatts Bayou is a navigable water of the United States.

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 32)								
	Ordinary High Water Mark indicated by:	High Tide Line indicated by:							
	clear, natural line impressed on the bank	oil or scum line along shore objects							
	the presence of litter and debris	fine shell or debris deposits (foreshore)							
	changes in the character of soil	physical markings/characteristics							
	destruction of terrestrial vegetation	tidal gages							
	shelving other:	other:							
	U other.								
×	Mean High Water Mark indicated by:								
	☐ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in vegetation types.							
	Wetland boundaries, as shown on the attached wetland de	lineation map and/or in a delineation report prepared by:							
Ras	sis For Not Asserting Jurisdiction:								
	The reviewed area consists entirely of uplands.								
	Unable to confirm the presence of waters in 33 CFR part	328(a)(1, 2, or 4-7).							
	Headquarters declined to approve jurisdiction on the basis								
		e following waters present on the site are not Waters of the							
	United States:								
	Waste treatment systems, including treatment pon-								
	Artificially irrigated areas, which would revert to								
	Artificial lakes and ponds created by excavating a								
	retain water and which are used exclusively for su rice growing.	ch purposes as stock watering, irrigation, settling basins, or							
	Artificial reflecting or swimming pools or other sn	nall armamental hadies of water created							
	by excavating and/or diking dry land to retain water								
		ental to construction activity and pits excavated in dry land for							
	the purpose of obtaining fill, sand, or gravel unless	s and until the construction or excavation operation is							
		he definition of waters of the United States found at 33 CFR							
	328.3(a).								
	Isolated, intrastate wetland with no nexus to inters								
	Prior converted cropland, as determined by the Na	tural Resources Conservation Service. Explain rationale:							
	Non-tidal drainage or irrigation ditches excavated	on dry land. Explain rationale:							
	Other (explain):								
	REVIEWED FOR JURSIDICTIONAL DETERMINAT								
X	Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the applications.								
		15 December 1994, prepared by (company): Jones and Smith							
	This office does not concur with the delineation report								
X	Data sheets prepared by the Corps.	, , , , , , , , , , , , , , , , , , , ,							
	Corps' navigable waters' studies:								
	U.S. Geological Survey Hydrologic Atlas:								
M	U.S. Geological Survey 7.5 Minute Topographic maps: Ga	alveston							
9	U.S. Geological Survey 7.5 Minute Historic quadrangles:								
	U.S. Geological Survey 15 Minute Historic quadrangles:								
	USDA Natural Resources Conservation Service Soil Surve	ey: Galveston County Soil Survey							
	National wetlands inventory maps: State/Local wetland inventory maps:								
易	FEMA/FIRM maps (Map Name & Date): City of Galvesto	nn Panal 21 06 Dacambar 2002							
	100-year Floodplain Elevation is: (NGVD)	m, i and 21, 00 December 2002							
23	Aerial Photographs (Name & Date): Galveston January 20	02							
Ä	Other photographs (Date):	~ -							
局	Advanced Identification Wetland maps:								
	Site visit/determination conducted on: 21 December 2004								
ā	Applicable/supporting case law:								
図	Other information (please specify): I-2691 (included wetland delineation of site): I-2691/03								

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16838

PROJECT LOCATION INFORMATION:

State: Texas County: Brazoria

Center coordinates of site (latitude/longitude): 28 59' 43" N, 95 14' 00" W Approximate size of area (parcel) reviewed, including uplands: 0.12 acres.

Name of nearest waterway: Swan Lake Name of watershed: Austin-Oyster

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date:

Date(s): 20 January 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, _ there appear to be (or) _ there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

	TT7 - 4 3 - 6 3		20 4		TT 24 - 3 C4 - 4 22
Α.	waters defined ui	nder 33 CFR nart 3	ZY as "naviganie	waters of the	United States*:

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 32 Ordinary High Water Mark indicated by:	High Tide Line indicated by:
	clear, natural line impressed on the bank the presence of litter and debris	oil or scum line along shore objects fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation	tidal gages
	shelving	other:
	other:	
3°5 3.	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland d	lelineation map and/or in a delineation report prepared by:
	sis For Not Asserting Jurisdiction:	
2.4 2.77 3.02 2.77 3.77	The reviewed area consists entirely of uplands.	220/->/1 2 4 7>
31 mg	Unable to confirm the presence of waters in 33 CFR part Headquarters declined to approve jurisdiction on the bas	
<u> </u>	Troudquartors decirred to approve jurisdiction on the out	ne following waters present on the site are not Waters of the
	United States:	to following waters present on the site are not waters of the
	Waste treatment systems, including treatment por	nds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to	
	Artificial lakes and ponds created by excavating	
		uch purposes as stock watering, irrigation, settling basins, or
	rice growing. Artificial reflecting or swimming pools or other s	small ornamental bodies of water created
	by excavating and/or diking dry land to retain wa	
		lental to construction activity and pits excavated in dry land for
•	abandoned and the resulting body of water meets	ss and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR
	328.3(a). Isolated, intrastate wetland with no nexus to inter	estate commerce
	Prior converted cropland, as determined by the N	atural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated Other (explain):	d on dry land. Explain rationale:
	Other (explain).	
DAT <u>A</u> I	REVIEWED FOR JURSIDICTIONAL DETERMINA	
\$ 5	Maps, plans, plots or plat submitted by or on behalf of th	
	Data sheets prepared/submitted by or on behalf of the ap This office concurs with the delineation report, dated	
	This office does not concur with the delineation report, dated	
3	Data sheets prepared by the Corps.	, propuled of (company).
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
Z	U.S. Geological Survey 7.5 Minute Topographic maps: (
	U.S. Geological Survey 7.5 Minute Historic quadrangles	
72	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Sur	
N. A.	National wetlands inventory maps: Christmas Point, Tex	
	State/Local wetland inventory maps:	
70	FEMA/FIRM maps (Map Name & Date):	
	100-year Floodplain Elevation is: (NGVD)	
<u> </u>	Aerial Photographs (Name & Date): 2004 Color infrared	аепаі
:	Other photographs (Date): Advanced Identification Wetland maps:	
<u>×</u>	Site visit/determination conducted on: 20 January 2005	
- street	Applicable/supporting case law:	•
豆		y Man

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: FILE NUMBER:

CESWG-PE-RC

D-16619

PDA	TECT	TOCA	TION	INFORM	ATION.
$\mathbf{r} \mathbf{n} \mathbf{v}$	JECI	LUCA	HUH	INFURN	AHUN:

State: County: Texas Calhoun

Center coordinates of site (latitude/longitude):

28° 26' 30"N, 96° 24' 32"W

Approximate size of area (parcel) reviewed, including uplands: 2 acres. Name of nearest waterway: Intracoastal Waterway/West Matagorda Bay

Name of watershed: West Matagorda Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 27 September 2004

Date(s): 7 September 2004, 27 September 2004

Jurisdictional Determination (JD):

36	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Marcher There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0.079-acre</u>

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are adjacent because they are located within the 100-year floodplain of West Matagorda Bay, a navigable water of the United States subject to the ebb and flow of the daily tide.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation tidal gages other:
\$ 1 2	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
<u> </u>	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Force Surveying Firm
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the data forms, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey T.5 Minute Topographic maps: Port O'Connor U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic Soil Survey: Calhoun County, Texas National wetlands inventory maps: Port O'Connor State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel 4800970208 D (April 2, 1992) 100-year Floodplain Elevation is: 9 (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 7 September 2004 and 27 September 2004 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE:

CESWG-PE-RC

FILE NUMBER:

D-16843

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Fort Bend

Center coordinates of site (latitude/longitude):

28° 41' 20"N, 95° 43' 53"W

Approximate size of area (parcel) reviewed, including uplands: .25 acres.

Name of nearest waterway: Long Point Slough / Clodine Ditch

Name of watershed: Buffalo Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 20 January 2005

Date(s):

Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A	Waters defined und	or 33 CFD nart 370 a	s "navigable waters o	f the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Long Point Slough is a non-navigable tributary to Buffalo Bayou, a navigable water of the United States.

FILE NUMBER: D-1843 16843

	Cordinary High Water Mark indicated by: Clear, natural line impressed on the bank Clear, natural line indicated by: Clear, natural line impressed on the bank Clear, natural line indicated by: Clear, natural line impressed on the bank Clear, natural line indicated by: Clear, natural line impressed on the bank Clear, natural line indicated by: Clear, natural line impressed on the bank Clear, natural line indicated by: Clear, natural line indicated by: Clear, natural line indicated by: Clear, natural line impressed on the bank Clear, natural line indicated by: Clear, na				
Ш	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.				
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Ford Surveying Firm				
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):				
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the data forms, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Clodine U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Hydrological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadran				

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.